

EXHIBIT 4

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

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THE CITY OF HUNTINGTON,
Plaintiff,

vs.

CIVIL ACTION
NO. 3:17-01362

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

CABELL COUNTY COMMISSION,

Plaintiff,

vs.

CIVIL ACTION
NO. 3:17-01665

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

* * * * *

Videotaped and videoconference deposition of
JAMES GELDHOF taken by the Defendants under the Federal
Rules of Civil Procedure in the above-entitled action,
pursuant to notice, before Teresa L. Harvey, a West
Virginia notary public and Registered Diplomat
Reporter, the witness appearing via videoconference from
Detroit, Michigan, West Virginia, on the 22nd day of
September, 2020.

1 1 those laws and regulations; correct?

2 2 A. No, I'm not.

3 3 Q. You weren't involved in writing them, were you?

4 4 A. No.

5 5 Q. Are you aware that there have been discussions
6 6 over amending the suspicious order regulation that you
7 7 cite?

8 8 A. Subsequent to my retirement I've heard, but
9 9 I -- I really don't know what the status of it is.

10 10 Q. Have you had any role in potential efforts to
11 11 amend the suspicious order regulation?

12 12 A. No, I've not.

13 13 Q. That's Pages 2 to 3. If you go to Pages 4
14 14 through 6, you talk about DEA oversight, including the
15 15 Diversion Investigators Manual, the Distributor
16 16 Initiative, and some of those Rannazzisi letters; is
17 17 that correct?

18 18 A. Uh-huh, yes.

19 19 Q. And then from Pages 6 to 9 you talk about DEA
20 20 enforcement actions against some defendants and some
21 21 non-defendants and then, as you mentioned, the
22 22 Congressional hearings in 2018; correct?

23 23 A. Correct.

24 24 Q. And there's no specific opinions I saw in here
25

1 1 talking about the import of the enforcement actions or
2 2 the Congressional hearings; correct?

3 3 A. Only that I incorporated them into my, I guess
4 4 position, on -- on, you know, the activity of industry
5 5 regarding the opioid epidemic.

6 6 Q. Where -- where in your report do you state your
7 7 opinion on the activities of industry on the opioid
8 8 epidemic?

9 9 A. That's a personal opinion.

10 10 Q. Okay. And I don't want to ask you about your
11 11 personal opinions. I want to ask you about the opinions
12 12 you intend to offer --

13 13 A. Okay.

14 14 Q. -- in this case. Is there any opinion
15 15 regarding the conduct of the industry that you offer in
16 16 Exhibit 1?

17 17 A. No, they're just stated.

18 18 Q. Where are they stated?

19 19 A. Well, they're listed.

20 20 Q. Okay. Where -- where are they listed? Where
21 21 are any opinions regarding the conduct of the industry
22 22 listed?

23 23 A. I'm sorry. I misunderstood. I thought you
24 24 were talking about the activity -- the actions, the

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1 1 enforcement actions.

2 2 Q. Oh, got it. Got it. Are there any opinions
3 3 that you give in your report that you intend to testify
4 4 about regarding the specific conduct of any defendant in
5 5 this case?

6 6 A. No.

7 7 Q. And, for example, you don't talk about any
8 8 defendants' Suspicious Order Monitoring Systems;
9 9 correct?

10 10 A. No.

11 11 Q. I don't believe you reviewed those in preparing
12 12 your opinion; correct?

13 13 A. Correct.

14 14 Q. Do you -- if I were to ask you for Cardinal or
15 15 ABDC or McKesson, what are the names of their programs
16 16 at different points in time, would you be able to answer
17 17 that?

18 18 A. No.

19 19 Q. You didn't review, as I understand it, any
20 20 communications between ABDC, Cardinal and McKesson on
21 21 the one hand or, one of them individually, and the DEA
22 22 about their Suspicious Order Monitoring Programs, did
23 23 you?

24 24 A. I did.

25

1 1 with the registrant.

2 2 Q. I'm going to come to that. I'm asking
3 3 something a little different. Are you aware of any
4 4 company, before those letters in 2006 and 2007, that
5 5 routinely blocked all orders identified as suspicious?

6 6 A. I have no idea. There's -- there's several
7 7 distributors in the country. I have no idea.

8 8 Q. Are you aware that DEA knew, before those
9 9 letters, that companies were reporting orders as
10 10 suspicious but then shipping them?

11 11 A. You'd have to be more specific. Are you
12 12 talking about Ingredient Limit Reports?

13 13 Q. Or any kind of report. Excessive Purchase
14 14 Report, Suspicious Order Reports. Are you aware that
15 15 DEA knew companies were making reports to DEA regarding
16 16 excessive purchases or suspicious orders, but then
17 17 nevertheless shipping those orders?

18 18 A. Those Ingredient Limit Reports, based on
19 19 my -- my experience, were not considered suspicious
20 20 orders.

21 21 Q. I'm not asking you about Ingredient Limit
22 22 Reports; I'm asking about excessive reports and
23 23 suspicious reports. Do you know if DEA knew, before
24 24 2006, that companies were reporting orders as either
25

1 1 A. Correct.

2 2 Q. And he then gets asked the question:

3 3 "Where is that contained in regulations
4 4 or the statutes that you've cited?"

5 5 And he says:

6 6 "It's not contained in these regulations
7 7 and statutes."

8 8 Do you see that?

9 9 A. I do.

10 10 Q. Do you agree with that, that the do-not-ship
11 11 requirement is not contained in the regulations or
12 12 statutes?

13 13 A. No, I don't agree with that.

14 14 Q. But he then says:

15 15 "But they've been informed of that
16 16 policy by the DEA in these distributor
17 17 briefings."

18 18 Do you see that?

19 19 A. I do.

20 20 Q. And are you aware that Mr. Rafalski gave that
21 21 testimony in his case, when you were supervising him,
22 22 that the distributors were first informed of a
23 23 do-not-ship requirement as part of a distributor
24 24 briefing in 2006?

25

1 1 MS. QUEZON: Object to the form.

2 2 THE WITNESS: I'm aware of the
3 3 testimony -- I was his second line supervisor -- if
4 4 that's the question.

5 5 Q. Yeah. So you -- you knew he testified in a
6 6 government case, while you were supervising him, that
7 7 distributors were first told about the do-not-ship
8 8 requirement in 2006?

9 9 A. I -- that's -- I knew he testified to that,
10 10 yeah.

11 11 Q. Okay. And then just to -- just to make sure we
12 12 have it for the record, if -- if you look down on
13 13 Page 91, Line 17.

14 14 A. Okay.

15 15 Q. He's asked, "When were they so informed?"

16 16 Do you see that question?

17 17 A. Yes.

18 18 Q. And he says:

19 19 "In a briefing conducted by Kyle Wright,
20 20 based on what my conversations were with Kyle
21 21 Wright."

22 22 And he's asked:

23 23 "When was that briefing?

24 24 "The first briefing was in 2006. I
25

1 1 think January of 2006."

2 2 Do you see that?

3 3 A. Yes.

4 4 Q. And that's just that point you mentioned just
5 5 now, you knew when you were at DEA that Mr. Rafalski
6 6 testified in a case he had that distributors were first
7 7 told about the do-not-ship requirement in a meeting in
8 8 January of 2006; right?

9 9 A. I knew about it after he testified, yes.

10 10 Q. While you were with the DEA; right?

11 11 A. Yep. Yes.

12 12 Q. Did you submit any -- anything to the court or
13 13 any testimony of any sort to correct either Mr. Wright's
14 14 or Mr. Rafalski's testimony?

15 15 A. No, not that I'm aware of.

16 16 Q. Did you direct them to correct their testimony?

17 17 A. Not that I'm aware of.

18 18 Q. Okay. I asked you about Agent Mapes --
19 19 actually, before I do, are you aware that there was a
20 20 court decision as a result of this case coming out of
21 21 this case?

22 22 A. The money case?

23 23 Q. Yes.

24 24 A. Yeah, I am.

25